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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Richard C. Carrier,

No. CV-19-02719-PHX-JJT

10 Plaintiff,

**ORDER**

11 v.

12 Amy Elizabeth Frank,

13 Defendant.

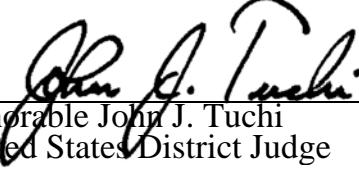
15 This matter having recently come before this Court,

16 **IT IS ORDERED** that motions to dismiss pursuant to Fed. R. Civ. P. 12(b) and  
17 motions to strike pursuant to Fed. R. Civ. P. 12(f) are discouraged if the defect that would  
18 be the subject of the motion can be cured by filing an amended pleading. Therefore, the  
19 parties must meet and confer prior to the filing of a motion to dismiss or motion to strike  
20 to determine whether it can be avoided. Consequently, motions to dismiss and motions to  
21 strike must be accompanied by a notice of certification of conferral, indicating that the  
22 parties have conferred to determine whether an amendment could cure a deficient pleading,  
23 and have been unable to agree that the pleading is curable by a permissible amendment. In  
24 addition, parties shall endeavor not to oppose motions to amend that are filed prior to the  
25 Rule 16 Scheduling Conference or within the time set for the Rule 16 Case Management  
26 Order. Motions to dismiss and motions to strike that do not contain the required  
27 certification are subject to striking on the Court's own motion.

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1 IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this Order on  
2 Defendants.

3 Dated this 13th day of May, 2019.

4   
5 Honorable John J. Tuchi  
6 United States District Judge  
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